

State of Arizona  
House of Representatives  
Fifty-first Legislature  
First Regular Session  
2013

House Engrossed  
**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

CHAPTER 11

## **HOUSE BILL 2071**

AN ACT

AMENDING SECTIONS 15-232, 15-531, 15-702 AND 15-763.01, ARIZONA REVISED  
STATUTES; RELATING TO THE DEPARTMENT OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 15-232, Arizona Revised Statutes, is amended to read:

15-232. Division of adult education; duties

A. There is established a division of adult education within the department of education, under the jurisdiction of the state board of education, which shall:

1. Prescribe a course of study for adult education in school districts.

2. Make available and supervise the program of adult education in other institutions and agencies of this state.

3. Adopt rules for the establishment and conduct of classes for immigrant and adult education, including the teaching of English to foreigners, in school districts.

4. Devise plans for establishment and maintenance of classes for immigrant and adult education, including the teaching of English to foreigners, stimulate and correlate the Americanization work of various agencies, including governmental, and perform such other duties as may be prescribed by the state board of education and the superintendent of public instruction.

5. Prescribe a course of study to provide training for adults to continue their basic education to the degree of passing ~~a general equivalency diploma test~~ or an equivalency test approved by the state board of education.

6. Review, approve and monitor a fee structure that may be implemented by adult education providers to ensure they meet state and federal law and considers an individual's ability to pay. The approved fee structure shall include a sliding scale fee schedule, based on household income, that shall be assessed to each individual participating in any program offered by the adult education provider.

B. The department of education shall provide classes under this section only to adults who are citizens or legal residents of the United States or are otherwise lawfully present in the United States. This subsection shall be enforced without regard to race, religion, gender, ethnicity or national origin.

C. The department of education shall report on December 31 and June 30 of each year to the joint legislative budget committee the total number of adults who applied for instruction and the total number of adults who were denied instruction under this section because the applicant was not a citizen or legal resident of the United States or was not otherwise lawfully present in the United States.

Sec. 2. Section 15-531, Arizona Revised Statutes, is amended to read:

15-531. Fees

A. The state board of education may fix and collect fees for:

1. Issuance and evaluation, singly or both, including provisional, basic or standard teaching certificate, administrative, specialized service,

1 nurse, career and technical education, vocational education or substitute,  
2 special subject endorsements including guidance-counselor, art, music,  
3 physical education, industrial arts, librarian or driver training, one-year  
4 and ~~multi-year~~ MULTIYEAR certificates including adult education, emergency or  
5 intern certificates, not less than twenty dollars and not more than thirty  
6 dollars.

7 2. Renewal of any certificate, name changes, duplicates or changes of  
8 coding to existing files or certificates, not less than ten dollars and not  
9 more than twenty dollars.

10 3. Administration and evaluation of the examination on the  
11 Constitutions of the United States and Arizona. Fees for the examination on  
12 the Constitutions of the United States and Arizona shall not exceed the fees  
13 assessed by the test publisher.

14 4. Administration and evaluation of the proficiency examination for  
15 applicants for teaching certificates. Fees for the proficiency examination  
16 shall not exceed the fees assessed by the test publisher.

17 B. THE DEPARTMENT OF EDUCATION, IN COLLECTING THE FEES AUTHORIZED BY  
18 THIS SECTION, MAY IMPOSE A CONVENIENCE FEE FOR TRANSACTIONS CONDUCTED USING A  
19 CREDIT OR DEBIT CARD OR OTHER MEANS OF ELECTRONIC PAYMENT. THE CONVENIENCE  
20 FEE SHALL BE ASSESSED ON A PER TRANSACTION BASIS. PURSUANT TO SECTION  
21 35-142, SUBSECTIONS K AND R, THE DEPARTMENT SHALL CONTINUE TO ACCEPT METHODS  
22 OF PAYMENT THAT ARE NOT SUBJECT TO A CONVENIENCE FEE.

23 Sec. 3. Section 15-702, Arizona Revised Statutes, is amended to read:

24 15-702. High school equivalency diploma: fees: rules

25 A. Any person who is sixteen years of age or older and who passes  
26 ~~a general educational development test~~ AN EQUIVALENCY TEST ADOPTED BY THE  
27 STATE BOARD OF EDUCATION shall be awarded an Arizona high school equivalency  
28 diploma by the state board of education and the state superintendent of  
29 public instruction. The state board of education may establish eligibility  
30 requirements for persons wishing to take ~~a general educational development~~  
31 ~~test~~ AN EQUIVALENCY TEST ADOPTED BY THE STATE BOARD OF EDUCATION, except that  
32 the minimum age required to take the test may not be older than sixteen nor  
33 shall the board require the completion of any high school credits.

34 B. A person who meets the minimum course of study and competency  
35 requirements prescribed by the state board of education for graduation from  
36 high school through a combination of high school credits and community  
37 college and university credits, which are converted to high school credits in  
38 the same manner as provided in section 15-701.01, subsection G by the  
39 governing board or the state board of education, shall be awarded an Arizona  
40 high school equivalency diploma.

41 C. The state board of education may establish and collect fees for the  
42 issuance and reissuance of the following:

- 43 1. A ~~general~~ HIGH SCHOOL equivalency diploma.  
44 2. A ~~general~~ HIGH SCHOOL equivalency transcript.

1 D. The state board of education shall ~~develop~~ ADOPT rules for fee  
2 waivers for the ~~general~~ HIGH SCHOOL equivalency diploma and ~~general~~ HIGH  
3 SCHOOL equivalency transcripts.

4 Sec. 4. Section 15-763.01, Arizona Revised Statutes, is amended to  
5 read:

6 15-763.01. Surrogate parent; notification; appointment

7 A. A petition for the appointment of a surrogate parent for a child  
8 with a disability shall be made to the department of education if any of the  
9 following conditions has been met:

10 1. A parent as defined in 34 Code of Federal Regulations section  
11 ~~300.20~~ 300.30 cannot be identified.

12 2. A public agency cannot determine the whereabouts of a parent, after  
13 having made reasonable attempts.

14 3. The child is a ward of the state, and a parent as defined in 34  
15 Code of Federal Regulations section ~~300.20~~ 300.30 cannot be identified or a  
16 public agency cannot determine the location of a parent after having made  
17 reasonable attempts. In the case of a child who is a ward of the state, the  
18 surrogate parent may alternately be appointed by the judge who oversees the  
19 child's case if the surrogate parent meets the requirements of this section.

20 4. The child meets the criteria of an unaccompanied youth as defined  
21 in the McKinney-Vento homeless ASSISTANCE act (42 United States Code section  
22 11434a(6)).

23 B. If allowed by state and federal law, the department of education  
24 shall notify the court of competent jurisdiction if the department of  
25 education appoints a surrogate parent for a ward of the state pursuant to  
26 subsection A OF THIS SECTION.

27 C. In order for a person to be eligible to receive an appointment as a  
28 surrogate parent for a child with a disability, all of the following must be  
29 true:

30 1. The person shall be determined by the department of education to  
31 possess knowledge and skills that will ensure adequate representation of the  
32 child.

33 2. The person may not be an employee of a state agency if that agency  
34 is involved in the education or care of the child.

35 3. The person may not have any interests that would conflict with the  
36 best interests of the child.

37 4. The person shall have a valid fingerprint clearance card issued  
38 pursuant to title 41, chapter 12, article 3.1.

39 D. A person who is appointed as a surrogate parent for a child with a  
40 disability shall not be deemed to be an employee of the state solely as a  
41 result of serving as a surrogate parent and receiving compensation for that  
42 service.

APPROVED BY THE GOVERNOR MARCH 26, 2013

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 26, 2013

Passed the House February 14, 2013

Passed the Senate March 20, 2013

by the following vote: 58 Ayes,

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

0 Nays, 2 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

[Signature]  
Chief Clerk of the House

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

21 day of March, 20 13

at 2:10 o'clock P M.

[Signature]  
Secretary to the Governor

Approved this 26<sup>th</sup> day of

March

at 1:05 o'clock P M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 26<sup>th</sup> day of March, 20 13

at 2:15 o'clock P M.

[Signature]  
Secretary of State

H.B. 2071